

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
BOISEY CALDWELL,

Plaintiff,

-v-

CIVIL ACTION NO.: 19 Civ. 8253 (SLC)

OFFICER GERMAN GERONIMO,

Defendant.

ORDER

SARAH L. CAVE, United States Magistrate Judge:

On Friday, August 5, 2022, the parties appeared for the final pre-trial conference (the “Conference”) to address outstanding issues from the conference held on Monday, August 1, 2022. For the reasons stated on the record at the hearing, the Court orders as follows:

1. The Court reserves decision on Plaintiff’s MIL point 3, which sought to admit evidence of disciplinary history relating to an improper memo book entry, and will revisit the question following the testimony of Officer Geronimo.
2. Defendant’s MIL point 6, which sought to preclude the introduction of the New York City Police Department’s Patrol Guide (ECF Nos. 186-12 – 186-13 (the “Patrol Guide”)) is DENIED, and Plaintiff may offer Plaintiff’s Exhibits 12 and 13, subject to limiting instructions to be determined at trial.
3. Deposition testimony may be introduced for impeachment purposes only. Plaintiff’s list of testimony is reduced from what he sought in the Proposed Joint Pre-Trial Order, (see ECF No. 186 at 4–5 (the “Proposed Pre-Trial Order”)). Defendant is not precluded from introducing deposition testimony for impeachment purposes, notwithstanding failure to list any such testimony in the Proposed Pre-Trial Order, (see id. at 6).

4. The Court reserves on Plaintiff's request to seek and instruct the jury on punitive damages.

The Court also heard oral argument on the parties' objections to the remaining trial exhibits.

For the reasons stated on the record at the hearing:

1. Plaintiff's Exhibit 6, (see ECF No. 186-6), is admitted, subject to the parties' compliance with the redactions discussed at the Conference.
2. The Court reserves decision on Plaintiff's Exhibits 7, 8, and 9, subject to the Court's review of the specific segments the parties intend to introduce.
3. Plaintiff's Exhibit 10 is admitted, and may be offered for evidentiary purposes.
4. Plaintiff's Exhibits 12 and 13 (i.e. excerpts from the NYPD Patrol Guide) are admitted, subject to the limitations discussed above.

With respect to pre-trial logistics, the Court instructs the parties as follows:

1. The parties shall order an expedited transcript of the Conference.
2. The Court intends to select eight jurors, all of whom will deliberate.

Dated: New York, New York SO ORDERED.
August 8, 2022


SARAH L. CAVE
United States Magistrate Judge